

so that reasonable further progress toward the attainment and maintenance of any ambient air quality standard will be achieved;

(b) *Lowest achievable emission rate.* The emission from the major source will be at the lowest achievable emission rate; ~~and,~~

(c) *Applicant's other major sources meet or on schedule to meet requirements.* All other ~~nonattainment area~~ major sources ~~and attainment area major sources~~ which that are located in this state and which that are owned or operated by the permit applicant or by any entity controlling, controlled by or under common control with the permit applicant, as determined under s. 180.1140 (6), meet or are on schedule to meet the requirements of ss. 144.30 to 144.426 and 144.96 and rules promulgated under those sections and are in compliance with or are on schedule to come into compliance with all applicable emission limitations and emission standards under the federal clean air act.

(d) *Analysis of alternatives.* Based on an analysis of alternative sites, sizes, production processes and environmental control techniques for any major source ~~which is a major source based upon its emissions of carbon monoxide or volatile organic compounds and that is located in an area designated under section 172 (a)(2) of the federal clean air act~~ 42 USC 7407 (d), that the benefits of the construction or modification of the major source significantly outweigh the environmental and social costs imposed as a result of the major source's location, construction or modification.

SECTION 74. 144.393 (3) (intro.) of the statutes is amended to read:

144.393 (3) (title) REQUIREMENTS FOR PERMITS FOR NEW OR MODIFIED MAJOR SOURCES IN ATTAINMENT AREAS. (intro.) The department may approve the application for ~~an attainment area a construction permit or operation permit for a major source construction or new operation permit~~ that is a new source or a modified source and is located in an attainment area if the department finds that the major source meets the requirements under sub. (1) and it finds:

SECTION 75. 144.393 (7) (d) of the statutes is created to read:

144.393 (7) (d) Notwithstanding pars. (a) and (b) (intro.), the department may not grant use of the growth accommodation under this subsection for an air pollution control permit application submitted after July 1, 1992, as long as the growth accommodation area is designated under 42 USC 7407 as an ozone nonattainment area.

SECTION 71. 144.393 (1) (a) of the statutes is amended to read:

144.393 (1) (a) *Source will meet requirements.* The stationary source will meet all applicable emission limitations and other requirements promulgated under ss. 144.30 to 144.426, standards of performance for new stationary sources under s. 144.375 (4) and emission standards for hazardous air contaminants under s. 144.375 (5);

SECTION 72. 144.393 (1) (d) of the statutes is amended to read:

144.393 (1) (d) *Source will not preclude construction or operation of other source.* The stationary source will not degrade the air quality in an area sufficiently to prevent the construction, reconstruction, replacement, modification or operation of another stationary source if the department received plans, specifications and other information under s. 144.392 (2) for the other stationary source prior to commencing its analysis under s. 144.392 (3) for the former stationary source. This paragraph does not apply to an existing source required to have a ~~mandatory~~ an operation permit.

SECTION 73. 144.393 (2) of the statutes is amended to read:

144.393 (2) (title) REQUIREMENTS FOR PERMITS FOR NEW OR MODIFIED MAJOR SOURCES IN NONATTAINMENT AREAS. The department may approve the application for a construction permit or operation permit for a nonattainment area major source construction or new operation permit that is a new source or modified source and is located in a nonattainment area if the department finds that the major source meets the requirements under sub. (1) and it finds that all of the following conditions are met:

(a) (title) *Emission offsets.* By the time the major source is to commence operation, the sufficient offsetting emissions reductions have been obtained so that total allowable emissions from it the major source and from other air contaminant sources in or significantly affecting the air quality in the nonattainment the area designated by the department will be sufficiently less than the total emissions allowed prior to the application for the construction permit or operation permit,